



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steve LADUNGA et al.

Art Unit: 1646

Serial No. 09/708,724

Examiner: Pak, M

Filed: November 9, 2000

Atty. Docket: CL000841

For: ISOLATED HUMAN SECRETED PROTEINS,
NUCLEIC ACID MOLECULES ENCODING HUMAN
SECRETED PROTEINS, AND USES THEREOF

**Submission Of Sequence Listing
Under 37 CFR § 1.821(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with 37 C.F.R. § 1.821(a) and in response to the Office communication dated March 27, 2002 which indicated that the Sequence Listing diskette submitted on April 4, 2001 was blank (a copy of the Notice is enclosed herewith), applicants submit herewith the computer readable copy of the Sequence Listing. The Sequence Listing includes no new matter.

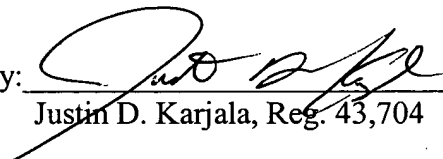
In accordance with 37 C.F.R. § 1.821(f), the computer readable copy of the Sequence Listing submitted herewith and the paper copy of the Sequence Listing submitted April 4, 2001 in the above application are the same.

It is respectfully believed that this application complies with the Sequence Listing requirements and is now in condition for processing.

Respectfully submitted,

CELERA GENOMICS

Date: April 2, 2002

By: 
Justin D. Karjala, Reg. 43,704

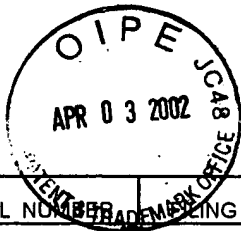
Celera Genomics Corporation
45 West Gude Drive, C2-4#20
Rockville, MD 20850
Tel: 240-453-3067
Fax: 240-453-3084

TECH CENTER 1600/2900

APR 05 2002

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Applicant's copy
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

APR 05 2002

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Serial No. 09/708,724

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Hutzell, can be reached on (703) 308-4310.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael D. Pak
Michael Pak
Patent Examiner
Art Unit 1646
22 March 2002



Application No.: 09/708,724

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

09/708,724

>DIR

Volume in drive A has no label
Directory of A:\

File not found

1,457,664 bytes free

:>



onscreen message when STIC
PC tried to read
submitted disk

:>DIR

Volume in drive A has no label
Directory of A:\

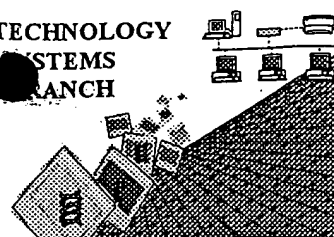
File not found

1,457,664 bytes free

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BIOTECHNOLOGY
SYSTEMS
BRANCH#5
DNT
54-21
1646**CRF Problem Report** TECH CENTER 1600/2900

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number:

09/708,724

Filing Date:

11/9/2000

APR 03 2002

Date Processed by STIC:

4/16/2001

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STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)☒ Blank (no files on CRF) (see attached)☐ Empty file (filename present, but no bytes in file) (see attached)☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.☐ Not saved in ASCII text☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.☐ Did not contain a Sequence Listing. (see attached sample)☐ Other: _____

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR DETAILS:**

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>